1 2	DANIEL G. BOGDEN United States Attorney NANCY J. KOPPE	
3	Assistant United States Attorney 333 Las Vegas Blvd South	
4	Suite 5000 Las Vegas, Nevada 89101	
5	(702) 388-6336	
6	UNITED STATES DISTRICT COURT	
7	DISTRICT OF NEVADA	
8	-oOo-	
9	UNITED STATES OF AMERICA,	)
10	Plaintiff,	) 2:07-cr-00150-RCJ-RJJ )
11	VS.	) UNITED STATES' RESPONSE TO
12	MARK DAVID CHANLEY,	) DEFENDANT'S MOTION ) FOR DISCOVERY
13	Defendant.	) }
14		_)
15	CERTIFICATION OF TIMELINESS: This response is timely filed.	
16	The United States of America, by and through Daniel G. Bogden, United States	
17	Attorney, and Nancy J. Koppe, Assistant United States Attorney, requests that this Court deny the	
18	defendant's motion for discovery.	
19	On January 12, 2010, defendant filed a motion asking this Court to order the United	
20	States to produce certain discovery. Prior to filing this motion, defendant failed to contact the United	
21	States to request any specific or general discovery	y. The defendant's discovery request thus violates
22	not only the Joint Discovery Statement, but it also runs counter to Federal Rule of Criminal Procedure	
23	16 and the Local Rules of this Court.	
24	••••	
25	••••	
26	••••	

## **POINTS AND AUTHORITIES**

Under the Local Rules of this Court, a defendant must confer with the prosecution in a good faith effort to resolve any discovery issues before filing a discovery motion with the Court. Any motion for discovery "shall contain a statement of counsel for the moving party certifying that, after personal consultation with counsel for the opposing party, counsel have been unable to resolve the dispute without court action." LCR 16-1(c). Here, defendant failed to abide by the Local Rules, and his motion should be summarily denied.

Further, Federal Rule of Criminal Procedure 16(c) imposes a continuing duty to disclose discovery before and during a trial. The United States has complied with this rule and intends to continue doing so.<sup>1</sup> The United States understands and will comply with its obligations under the rules, the Joint Discovery Statement, *Brady v. Maryland*, 373 U.S. 83, 10 L.Ed.2d 215, 83 S.Ct. 1194 (1963) and *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972).

## **CONCLUSION**

Thus, defendant's motion violates the Local Rules of this Court, the Federal Rules of Criminal Procedure, and the Joint Discovery Statement. Therefore, the United States respectfully asks this Court to deny defendant's motion.

DATED this 15th day of January, 2010.

Respectfully submitted,

DANIEL G. BOGDEN United States Attorney

/s/ Nancy J. Koppe

NANCY J. KOPPE Assistant United States Attorney

The United States provided all appropriate discovery to defendant's prior counsel, Donald J. Green. The United States was told by advisory counsel that some pages of discovery, as provided by Mr. Green, were missing. As a result, the United States has again provided appropriate discovery to advisory counsel, and has been assured that discovery will be provided to defendant.

1	CERTIFICATE OF SERVICE	
2		
3	UNITED STATES OF AMERICA, ) 2:07-cr-00150-RCJ-RJJ	
4	Plaintiff,	
5	vs.	
6	MARK DAVID CHANLEY,	
7	Defendant.	
8	/	
9	The undersigned hereby certifies that she is an employee in the office of the United States	
10	Attorney for the District of Nevada and is a person of such age and discretion as to be competent to	
11	serve papers.	
12	That on January 15, 2010, she served a copy of the attached UNITED STATES'	
13	RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY, by electronic service through	
14	CM/ECF.	
15	Addressee: Rene Valladares, Esq.	
16	Further, on January 15, 2010, she served a copy of this motion, through United States Mail,	
17	to: Mark David Chanley 305891	
18	North Las Vegas Detention Center 2332 N. Las Vegas Blvd.	
19	North Las Vegas, NV 89030	
20		
21		
22		
23		
24	TARRET V. ROTTE	
25		
26		